

St. Johns County

Community Development Block Grant — Disaster Recovery Infrastructure Program Policies and Procedures

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SUMMARY

The U.S. Department of Housing and Urban Development (HUD) allocated Community Development Block Grant Disaster Recovery (CDBG-DR) funds to the State of Florida Department of Economic Opportunity (DEO). This funding is being distributed in federally-declared disaster counties impacted by Hurricane Matthew including St. Johns County for activities authorized under Title I of the Housing and Community Development Act of 1974 (42 United States Code (U.S.C) 5301 et seq.) and described in the State of Florida CDBG-DR Action Plan. DEO has provided \$89,632,120 million in CDBG-DR funding to St. Johns County to implement programs in support of the County's recovery from Hurricane Matthew. Allocations, waivers, and alternative requirements applicable to this funding are published in the Federal Register on August 7, 2017 at 82 FR 38812; January 18, 2017 at 82 FR 5591; and November 21, 2016 at 81 FR 83254.

The County entered into a subrecipient agreement with DEO to administer the Infrastructure Recovery Program including the following projects:

- Armstrong Road Stormwater Management Improvements
- Avenue D Stormwater Management Improvements
- St Augustine/Cypress Road Stormwater Management and Drainage Improvements
- Hastings I Sewer System Improvements
- Hastings II Lift Stations Improvement
- Hastings III Waste Water Treatment Improvement
- Lake Maria Sanchez Stormwater Management Improvements and Flood Protection (Canceled)
- North Rodriguez/Oyster Creek Stormwater Management and Drainage Improvements
- South Orange Street Stormwater Management and Drainage Improvements
- Santa Rosa Drainage Improvements
- Big Soeey Drainage Improvement
- Kings Road Drainage Improvement (Canceled)
- South Holmes Drainage Improvement

This document describes policies and procedures for the Infrastructure Program.

Of the \$89,632,120 allocated to St. Johns, \$28,732,120.00 has been set aside for the infrastructure projects listed above. Budget allocations to each project were determined based on estimations when the projects were initially identified. Project costs are not anticipated to change significantly based on the existing project cost estimations.

VERSION HISTORY

St. Johns County CDBG-DR General Policies and Procedures

Version	Date	Page	Description
#1	02/08/2019	NA	NA
#2	08/2019	NA	NA
V2.0	2/2021	NA	Complete update v 2.0
V2.1	3/2022	NA	Add PII/Complaint Process
V2.2	4/2022	NA	Removed Program Income
V2.3	6/1/2022	12	Added Change Order Process

VERSION POLICY

Version history is tracked in the table above, with notes regarding version changes. The date of each publication is also tracked in this table. The first version of this document is 1.0.

Substantive changes within this document that reflect a policy change will result in the issuance of a new version 2.0, an increase in the primary version number. Future policy changes will result in additional revision and issuance of a new primary version number.

Non-substantive changes within this document that do not affect the interpretation or applicability of the policy (such as minor editing or clarification of existing policy) will be included in minor version updates denoted by a sequential number increase after the primary version number. Such changes would result in a version number such as 2.1, 2.2, etc.

POLICY CHANGE CONTROL

Policy review and changes for the St Johns County Infrastructure Program are considered through a change control process. When policy clarifications, additions, or deletions are needed to more precisely define the rules by which the Program will operate, Program staff will discuss potential changes with Grant Administrator who will review and approve updates as needed.

INFRASTRUCTURE PROGRAM

Program Overview

The primary focus of the program is to provide CDBG-DR funding assistance for infrastructure rehabilitation and improvement projects. Infrastructure projects must have been impacted by Hurricane Matthew and must be an eligible activity as defined by HUD. This program supplements other funds which may be available to conduct these projects. In some cases, no additional funds are available and therefore the CDBG-DR funds are the sole source of funding for the project.

Specific infrastructure projects were identified during the development of the Unmet Needs

Assessment through an evaluation conducted in coordination with County and municipal agencies as well as Voluntary Organizations Active in Disaster (VOAD). A week-long meeting was held in the County's admin building. Over 20 representatives from various County departments (public works, EOC, HHS, Utilities, and others). The City of St Augustine also submitted possible projects for consideration. Disaster recovery staff requested projects from municipal and County staff as well as local VOADs. Disaster recovery staff also evaluated areas impacted by the storm and gathered potential project data based on its analysis and as offered and submitted by the County and municipal agencies and VOADs. Potential projects submitted to the disaster recovery program were evaluated against several criteria, which included:

- HUD activity eligibility
- Meeting a National Objective
- Geographic location
- Confirmation of tie-back
- Shovel ready

Once a list of projects was assembled it was presented to the Board of County Commissioners for review and approval.

CDBG-DR funds are intended to principally benefit Low and Moderate Income (LMI) persons. Funds are allocated to programs in a manner that ensures that at least 70 percent of the grant amount awarded is expended for activities that benefit such persons. Funds will be used to address remaining unmet infrastructure needs and to support the long-term recovery and restoration of infrastructure in the most impacted and distressed areas.

The primary objective of this program is to address the unmet infrastructure recovery needs in (LMI) qualified service areas. LMI qualified areas are those areas where 51% of the households or greater are LMI qualified. St. Johns County, however, is considered an "upper quartile exception community" under HUD regulations. As such, based on HUD analysis, activities with area-wide benefits meet the LMI National Objective if 43.39 percent of the residents in the area served by the activity are low- and moderate-income.

National Objective

The program will meet the following National Objective:

- Benefit to LMI Persons

The County's CDBG-DR Programs are designed to ensure that 70% of CDBG-DR grant amount awarded is expended for activities that benefit LMI persons. To that end, the program prioritizes assistance to projects with LMI qualified service areas. Projects providing an area-wide benefit must meet the 43.39% exception criteria previously described.

Eligible Activities

The eligible and ineligible categories of activities are determined by HUD. All activities and potential projects must be compliant with CDBG National Objectives per 24 CFR 570.208 and CDBG Eligible Activities per 24 CFR 570.201 through 570.207. The following activities under the Housing and Community Development Act of 1974 (HCDA) are eligible for public facilities and improvements:

- Acquisition

- Construction
- Reconstruction
- Rehabilitation (including removal of architectural barriers to accessibility)
- Installation

All infrastructure projects will be compliant with these activities. All infrastructure projects must be public projects, with privately owned projects not being eligible for program funding. Under the Infrastructure Recovery Program, infrastructure will be defined to include:

- Roads
- Bridges
- Stormwater management systems
 - Conveyance systems (swales, storm sewers)
 - Curbs/gutters
 - Outfall areas
 - Retention/detention ponds
 - Facilities utilized to manage, clean, and convey stormwater include storm/septic combined systems
 - Stabilization materials and structures for stormwater conveyance
 - Berms
 - Dams
 - Other facilities or structures intended for the handling and conveyance of storm water
 - Other Low Impact Development stormwater management systems
- Sidewalks
- Potable water lines
- Potable water pumping, handling, cleaning facilities, and structures
- Sanitary sewer lines
- Sanitary sewer pumping, handling, cleaning facilities, and structures
- Other infrastructure facilities and structures as determined by County staff

ELIGIBILITY REQUIREMENTS FOR INFRASTRUCTURE PROGRAM

All activities to be funded in whole or in part with CDBG-DR funds must be found to be eligible under Title I of the Housing and Community Development Act.

Geographic Location

Any infrastructure project to receive funding under the Infrastructure Recovery Program must be located within the legally recognized boundaries on St. Johns County, Florida. This includes all municipalities that may be located within the County boundaries and all unincorporated areas within the County.

Meeting a National Objective

All projects in the Infrastructure Recovery Program must meet the LMI National Objective. Infrastructure projects are anticipated to have to meet the LMI Area Benefit criteria. Other LMI benefit criteria may be identified as needed based on the nature and purpose of the project.

LMI Area Benefit projects must identify the potential service area of the activity. This can be defined using Census designated boundaries, direct service area if known (i.e., waterline which serves a specific municipality or neighborhood) or an estimated service area. It must be proven that the area is primarily residential to utilize the LMI Area Benefit. Where specific data cannot be utilized such as Census data or other existing income information, a survey may need to be conducted.

Census data – Service areas may be able to be defined by Census geographic designations such as Census Tracts or Block Groups. When this data is used the most recent HUD provided data defined by Census geography designation must be used. The LMI information for these geographies must cumulatively meet the County Exception Criteria percentage.

Survey data – If a service area cannot be reasonably defined by a Census designated geographic identifier (census tract, block group) then a survey may need to be conducted. If a survey needs to be conducted, the County will develop a survey methodology based on HUDs guidance for developing and conducting income surveys. The methodology will be presented to DEO for review and approval. Upon approval by DEO the County will develop a notification letter, survey, and information form as part of the survey process. The County will mail the notification letter and the survey to all potential residential households identified in the service area. This will be conducted a minimum of one week (approximately 7 days) prior to conducting door-to-door surveys and will notify residents of the upcoming survey. It will also inform individuals of the purpose of the survey and describe the project in question which may be undertaken in the service area. Staff to conduct the door-to-door surveys will be identified at least one week before the door-to-door surveys are to occur. Areas identified for survey may be evaluated by a site visit and evaluation ahead of time to determine the survey route and identify any potential dangers or other issues. Surveys will be conducted in a team of at least two program and/or County staff members. While conducting the survey staff will provide residents with the survey along with the information form describing the purpose of the survey and a project description. Residences which do not wish to complete the survey or who are not available will be noted for later evaluation of survey results.

Residents who refuse to complete the survey will be assumed to **not** be income eligible and noted as such. Residents who were not available at the time of the survey will have the information form and survey mailed to them again along with a self-addressed envelope for them to complete and return to the County. A determination will be made based the response to the mailed surveys as to whether or not additional efforts need to be made. Once the County determines that no other efforts should be made the surveys will be evaluated to determine potential LMI eligibility of the area.

Maps and related service area information, such as a written determination and justification of the service area, will be included in the specific project folder.

Tie-Back

Any project identified under the County's Infrastructure Program must respond to a direct or indirect impact from the Hurricane Matthew (DR-4283) disaster event. All projects will be evaluated to determine whether the infrastructure involved in the project and subject to CDBG-DR funding was impacted by the associated storm event. Evidence of tie-back which the County will utilize include:

- Photographic evidence from the storm event.

- Reports or other notification from Federal, state, county, or municipal officials indicating impacts from the storm event.
- Federal, state, county, or municipal storm damage summary reports, road closure listings, or other storm related reporting
- Verified reporting by residents or witnesses. Must be documented and signed by residents providing information.
- Newspaper or other media reporting indicating impacts from the storm event.
- Flood modeling which indicates inundation/flooding at the site of specific infrastructure projects, particularly for stormwater management systems.

Evidence of tie-back such as reports, staff documentation, or maps will be included in the specific project folder.

Expenditure of Funds

All projects will be evaluated to determine if the project can be completed and CDBG-DR funds fully expended within the expenditure period for those funds. Project construction must be able to be completed and finalized within the required time period to be eligible for consideration. Projects utilizing funds described in Federal Register Volume 82, Number 150 must have their funds fully expended within 6 years of HUD's execution of the grant agreement unless otherwise revised by HUD, as requested by DEO. All projects require an estimated work schedule indicating a time schedule for project completion. This schedule will be refined once a contractor is selected and a construction schedule is provided by the contractor. In order for the project to be initially eligible it must be determined or confirmed, by County staff, that an estimated project schedule will meet the expenditure of funds time requirement. All work/construction schedules must indicate completion within the expenditure time period. In order to ensure the timely expenditure of funds projects will also be evaluated for scale, complexity, and cost. Complications with factors such as these may inadvertently put expenditure time requirements at risk.

Funding of Last Resort

The Infrastructure Program will evaluate each project to ensure that CDBG-DR funds are used only as the recovery funding source of last resort. Projects developed and/or funded by St. Johns County will be reviewed for applicability and eligibility against other Federal disaster recovery funding before being considered for CDBG-DR funding. All other potential funding sources must be confirmed and documented, in accordance with DEO provided policy and procedures for Duplication of Benefits (DOB) recordation, before a CDBG-DR funding amount will be determined. CDBG-DR funds will not be used as repayment for other funding expenditures but may be used as match for infrastructure recovery projects.

Duplication of Benefits

All infrastructure projects must be evaluated to determine potential DOB issues. A DOB occurs when financial assistance received from one source is provided for the same purpose for which CDBG-DR funds are provided (in accordance with Section 312 of the Stafford Act and HUD guidance in the November 16, 2011 Federal Register Notice (FR-5582-N-01)). As part of the Funding of Last Resort analysis, all infrastructure projects will also be evaluated to identify any and all other funding which may warrant a DOB. This includes both funds currently available and funds which may be made available in the future for the same project. Some of these funding sources include but are not limited to:

- Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP)
- U.S. Army Corps of Engineers (USACE)
- U.S. Department of Transportation, including the Federal Highway Administration (FHWA)
- Federal Transit Administration (FTA)
- Florida Department of Transportation (FDOT)
- Federal Economic Development Agency (EDA)
- Federal Emergency Management Agency (FEMA)
- U.S. Food and Drug Administration (FDA)
- Private Insurance
- Increased Cost of Compliance (ICC)
- State of Florida state grants/loans
- Philanthropic funds
- Any other funding source that may duplicate assistance

ENVIRONMENTAL REVIEW

All infrastructure projects must undergo an environmental review as required and described in 24 CFR Part 58. Once a project is identified and funding is confirmed the project will be forwarded to the designated Environmental Review (ER) vendor. The ER process is described in detail in the County’s Disaster Recovery Environmental Review Policies and Procedures document. Please reference that document for ER process. All necessary ERs must be completed before construction funds are expended and before any “choice limiting actions”, as defined by HUD, are made. This includes the signing of any required documents by authorized County staff, accommodation, and inclusion of requests or requirements by any agencies or groups as part of the consultation process, posting, and submittal of any necessary Finding of No Significant Impact (FONSI), Notice of Intent/Request for Release of Funds (NOI/RROF) documents, submittal of ER documents to DEO (as may be requested) and receipt of RROF approval from DEO. Any costs expected to be incurred for exempt activities related to implementation of the infrastructure projects will be undertaken upon written pre-approval by DEO. Any additional environmental actions that may be required which substantially change expenditure timeline or increase the cost of the project may make the project ineligible for funding.

CONTRACTOR PROCUREMENT

This County will procure architecture and engineering services, as needed, for infrastructure projects. Procurement of architecture and engineering services may occur through the publication of a Request for Qualifications. The County will also publish a Request for Proposal for construction for each infrastructure project identified by the County. Procurement for all Infrastructure Recovery Program projects are subject to the procurement regulations established under 2 CFR Part 200. Procurement will be conducted to comply with Federal, state, and local requirements. Procurement must meet public procurement requirements and occur in a fair and open process. All RFQs/RFPs will be conducted in conformity with HUD requirements for public procurement. This will include publication of the RFQ/RFP through the Onvia-Demand Star online advertising systems as well as in a paper of local circulation. The

County will also work with Career Source Florida for the potential provision of the RFQ/RFP for distribution to contractors who may utilize procurement services through Career Source Florida. The details of the County's procurement process are provided in the County's procurement guide and the supplemental addendum policy and procedure document for the CDBG-DR program.

Projects will be awarded to vendors/contractors based on the criteria established in the County's procurement guide and the supplemental addendum policy and procedure document for the CDBG-DR program. Vendors/contractors who are awarded an infrastructure project will be required to read and sign a contract with the County providing specific requirements, obligations, and responsibilities of both the County and the contractor. Refusal to sign the contract will result in termination of award and the next eligible contractor will be selected for award.

PLANNING AND DESIGN SERVICES

As a function of planning the Critical Path has been established for each project. Since drainage projects are always on the move as new task order, change orders and contract amendments will happen as a course of business. The critical path will evolve to meet the needs of the project. The St. Johns County Disaster Recover office will monitor and update the critical path as necessary to keep all parties informed as to the projects progress. Currently SJC DR is utilizing Smartsheet to track critical path.

Included in our effort to meet and exceed Florida DEO requirements to keep them abreast of DR drainage projects: SJC DR is meeting on a regular basis with the Project Managers from SJC Utilities and SJC Public Works to review each project for progress and any possible critical path areas of constraint. These areas will be reviewed for each project at each meeting: Review and updating of Task list, any upcoming task or areas of conflict, changes that are critical to the project, a budget review to remain within contract amounts, possible upcoming invoices and critical path constraints.

The SJC DR Project Manager will meet weekly with the SJC CDBG-DR Grant Manager and the CDBG_DR Project Manager to identify possible project bottlenecks and plane a path to resolve them.

CONSTRUCTION SERVICES

Construction services consist of three primary components: preconstruction, construction, and close-out. This includes all activities which occur after the bid has been awarded and contracts between the County and the contractor have been signed. All projects will be evaluated before the preconstruction phase begins to ensure that the project is prepared to proceed. This evaluation will include a final review of any plans or specifications, confirmation of environmental clearance, verification that all land ownership and right-of-way issues are resolved and confirmation that all other programmatic requirements are met. Any issues pertaining to these items must be resolved before construction begins.

Preconstruction

All infrastructure projects will require a mandatory preconstruction meeting. This meeting will include the contractor, CDBG-DR staff, architect/engineer and any County or municipal staff engaged in the project. The meeting will take place at the project site if possible and reasonable. During the preconstruction meeting, the following items will be addressed:

- Labor compliance (Davis-Bacon and related regulations)
- Payroll reporting

- Section 3 requirements
- Project signage
- Site safety
- Work schedule
- Payment/invoicing procedures
- Change orders
- Inspection reporting
- Permitting
- Discuss any issues identified as part of the project evaluation before preconstruction

Any issues or concerns regarding the project before construction should be raised and addressed at this meeting.

Construction

This phase of the project begins after the issuance of the notice to proceed and after the preconstruction meeting. Both of these items had to have occurred to move to the construction phase. This phase will include all construction related activity and the required monitoring for compliance oversight associated with those activities. Disaster recovery staff will be responsible for monitoring each project to ensure it conforms with the provisions of the contract established between the County and the contractor. Disaster recovery staff will also monitor each project to ensure compliance with any Federal requirements associated with construction of the project and the utilization of CDBG-DR funds. Projects which have other funding sources secured by other entities such as local municipalities will require that those entities assume responsibility for compliance with their associated funding sources. The Infrastructure Program Manager or designee and/or Construction Inspectors provided by the County's CDBG-DR vendors will conduct site visits, confirm work completion for invoices, review change orders, assist with technical consultation, and coordinate with construction contractors hired by the County to help ensure the timely completion of the project. The Infrastructure Program Manager or designee and/or Construction Inspectors ensure that contractors act in accordance with program policies and procedures, adhere to standards of performance, and follow safety policies. The County CDBG-DR vendor will also provide assistance with overall compliance and monitoring of the projects.

Invoicing – All project invoicing and change orders will take place during the construction phase. Invoicing may occur in one of two methods depending on the estimated time schedule for completion of the project. Contractors will submit invoices to the Infrastructure Program either on a monthly basis or at the 30%, 60%, and 90% completion points with 10% being held in reserve to be paid upon project completion. The 10% to be held in reserve will be applicable to both invoicing methods. The County will decide as to the necessary invoicing method to be agreed upon and secured in the construction contract between the County and the selected contractor. Invoices will be submitted to the Infrastructure Program Manager and the Project Manager for review and confirmation of work completed. The Program Manager will review the invoice with the County's technical service provider to ensure compliance and to verify completion of work as needed. Upon approval of the invoice by the Infrastructure Program Manager and the technical service provider, the Infrastructure Program Manager will forward the invoice to accounting staff for review and processing. The invoice will then be forwarded to the Grant Manager or Program Director for review and approval. Upon approval it will be sent to the Clerk's Office Finance Division for processing and payment.

Change Orders – All Change Orders, Task Orders and Contract Amendments will be generated by the Vendor/Contractor or the appropriate Utilities or Public Works Project Manager. It will then be forwarded to DR staff for processing. DR staff will send the request along with all back-up documentation to SJC Purchasing Department. Purchasing Department staff will edit as necessary and prepare draft documents. Draft documents will be sent to DR staff for review and/or approval. Once documents are approved Purchasing will upload documents to Novatus and Smartsheet for DEO review and approval. When the document is approved by DEO and has progressed through Novatus. It will be sent to the Vendor for signature. Upon receiving the signed document from the Vendor, it will be sent to SJC Purchasing for final execution.

Note: Change Orders, Task Orders and Contract Amendments must be approved by the Program Manager, Program Grant Manager, and the Disaster Recovery Director.

The construction phase will conclude after final payment has occurred, all County inspections have been conducted and passed and the disaster recovery program staff inspect and certify the project as complete.

Contractor Payment Schedule – The Program will release award proceeds directly to the construction contractor either on a monthly basis or at 30%, 60%, and 100% of construction completion as per the scope of work and the contract between the County and the contractor.

Change Order Process

Should a contractor need to submit a change order request, the following process will occur:

- The Contractor will submit a change order request to the Project Manager
- The Project Manager will review the change order request for validity, while coordinating with a field inspector to confirm the change order is not part of the original scope
- An internal cost estimate using the software Xactimate is used for a cost reasonableness comparison
- A cost reasonableness worksheet is prepared and reviewed by staff for approval
- If a change order exceed the internal cost estimate by 15%, the change order will then be reviewed by the Policy Review Committee and vote to approve or reject the change order
- The Project Manager will then fill out the purchasing request form including all backup documentation and submit the request form to purchasing for review
- Purchasing reviews and prepares the change order and uploads the the change order with all back-up documentation in Smartsheet and the County's internal system, CONGA
- In CONGA, all aspects of the change order, including pricing, is reviewed and approved by department administrators for the disaster recovery division and the purchasing division, as well as a budget analyst from the office of budget and management
- Once the change order is approved by DEO and CONGA, it is sent to the contractor for signature. When the change order has been fully executed by the contractor and the county, the executed version is uploaded to SmartSheet and SERA

The Site Inspector will coordinate a site visit with the applicant at the property to be addressed. To the greatest extent possible the Site Inspector will coordinate their visit with the site visits by lead and asbestos inspectors so as to minimize the number of separate site visits. The Site Inspector will conduct the inspection to collect information for the development of cost estimates for work incurred prior to application and work remaining, identification of possible code violations, mold hazards, and health and safety risks. They will also take into consideration Green Building standards and resilient construction where feasible.

The Program will utilize a tiered environmental review process outlined in the Program Environmental Policy and Procedures. Any significant findings will be referred to the Environmental Review Unit and consultants to address.

Close-Out

Close-out will occur once the construction is complete and all drawdowns of CDBG-DR funds have occurred. Both the County and disaster recovery staff must have conducted all necessary inspections and these inspections must have passed in order for close-out to occur. This phase will include the completion and submittal of any required close-out or reporting documentation required by DEO. Official close-out will have occurred upon DEO's confirmation that all reporting is complete and that all funds for the project are expended.

FEDERAL REQUIREMENTS,

Davis-Bacon Act – The Infrastructure Program Manager or designee will conduct labor compliance activities in accordance with Federal Davis-Bacon, and related Acts, requirements. The Davis-Bacon Act will apply to all infrastructure projects undertaken by the County. The Davis-Bacon Act requires that workers be paid at least minimum wages established by the Department of Labor. Compliance activities will include verifying that payrolls are submitted weekly and that they contain comprehensive and accurate information. Staff will verify that accurate labor categories and wage determinations are identified and conduct required on site wage interviews.

Section 3 – The Infrastructure Program Manager or designee will conduct activities and provide oversight to ensure compliance with Section 3 requirements. Section 3 is a provision of the Housing and Urban Development Act of 1968 whose purpose is to ensure that employment and contracting opportunities generated by certain HUD financial assistance shall, to the greatest extent feasible, and consistent with existing Federal, state, and local laws and regulations, be directed to low- and very low income persons. Section 3 is intended to ensure that when employment or contracting opportunities are generated from CDBG-DR funds, preference should be given to low and very low income persons or business concerns residing in the community where the project is located. In order to help ensure compliance with Section 3 requirements the Infrastructure Program Manager or designee will provide information and guidance to contractors awarded CDBG-DR funded projects. This will include contact information with the regional Career Source Florida office to assist in the identification and potential hiring of Section 3 qualified employees and subcontractors as may be needed by the prime contractor. Staff will also provide contractors with a link to the Section 3 Business Registry to assist in the identification of Section 3 qualified firms.

Contract Work Hours & Safety Standards Act – The Infrastructure Program Manager or designee will conduct activities and provide oversight to ensure compliance with the Contract Work Hours & Safety Standards Act. Workers shall not work more than 40 hours/week unless they get overtime and projects must comply with Federal safety standards. *Reference: 40 U.S.C. Chapter 47.*

Copeland Anti-Kickback Act – The Infrastructure Program Manager or designee will conduct activities and provide oversight to ensure compliance with the Copeland Anti-Kickback Act. Compliance will include ensuring that labor payments occur once a week and that only permissible payroll deductions will occur. The weekly payroll requirement applies to all contractors and subcontractors on construction projects that are over \$2,000. The weekly payroll requirement does not apply to any County employees (they are considered “force account” labor and this does not apply). *Reference: 40 U.S.C. §3145 and 18 U.S.C. §874.*

Fair Labor Standards Act – The Infrastructure Program Manager or designee will conduct activities and provide oversight to ensure compliance with the Fair Labor Standards Act which requires compliance with Federal minimum wage and overtime requirements. *Reference: 29 CFR Parts 510 to 794.*

Architectural Barriers Act – The Architectural Barriers Act (ABA) requires that buildings and facilities that are designed, constructed, or altered with Federal funds, or leased by a Federal agency, comply with Federal standards for physical accessibility. ABA requirements are limited to architectural standards in new and altered buildings and in newly leased facilities. *Reference: 42U.S.C. §§ 4151 et seq.*

Americans with Disabilities Act – The Americans with Disabilities Act (“ADA”) prohibits discrimination on the basis of disability in employment, State and local government, public accommodations, commercial facilities, transportation, and telecommunications. It also applies to the United States Congress. *Reference: 42 U.S.C. 12101 et seq.*

Section 504 – Section 504 states that "no qualified individual with a disability in the United States shall be excluded from, denied the benefits of, or be subjected to discrimination under" any program, service, or activity that either receives Federal financial assistance or under any program or activity conducted by any Executive agency. *Reference: 29 U.S.C. §794*

Flood Disaster Protection Act of 1973 – Any projects identified as being located in a FEMA recognized special flood hazard area can only occur if the community in which the project is situated is participating in the National Flood Insurance Program (see 44 CFR parts 59 through 79), or less than one year has passed since the FEMA notification regarding such hazards. If a project is located in one of these areas the County must obtain flood insurance protection as a condition of the approval of financial assistance. The Flood Disaster Protection Act of 1973 (42 U.S.C. 4001-4128) as amended by the National Flood Insurance Reform Act of 1994 (Pub.L. 103-325, 108 Stat. 2160) prescribes the duration and dollar amount of flood insurance under Sections 3 and 102 of the Act. Section 582(c) of the Community Development and Regulatory Improvement Act of 1994 mandates that "...The requirement of maintaining flood insurance shall apply during the life of the property, regardless of transfer of ownership of such property" (42 U.S.C. 5154a).

MONITORING AND COMPLIANCE

St. Johns County will conduct ongoing compliance and monitoring oversight through the life of the Infrastructure Recovery Program. Disaster recovery staff will provide technical assistance to contractors through the life of each infrastructure project. Monitoring and technical assistance will be focused on the following objectives:

- Reviewing and monitoring funded projects for compliance with Federal regulations, funding requirements, and program policies and procedures
- Providing guidance for continuous improvement of program delivery
- Assistance in identifying and preventing issues

- Setting program performance standards
- Completing and providing necessary reporting for DEO
- Ensure the quality of the financial management process

Ongoing compliance will be conducted by the Infrastructure Program Manager, Infrastructure Project Manager, the CDBG-DR Program Manager, and the Subject Matter Expert.

The monitoring team will include the Infrastructure Program Manager, the CDBG-DR Program Manager, Grant Manager, and the Subject Matter Expert. Their monitoring responsibilities will include but not be limited to:

- Review the program’s fiscal controls and accounting procedures for compliance with County, State, and Federal regulations.
- Policy & Compliance - Examining the Infrastructure Program’s compliance with HUD, DEO, and County regulations.
- Crosscutting Requirements - Investigating the Infrastructure Program’s compliance with crosscutting Federal rules and regulations such as Davis-Bacon, labor standards, the ABA, the Americans with Disabilities Act, and other Federal requirements.

The Infrastructure Program Team will be responsible for addressing any inconsistencies and discrepancies identified by the disaster recovery monitoring team.

COMPLAINT PROCESS

Complaint/Appeals Process

Citizen complaints will be handled as required under the following regulations:

- 24 CFR 91.11(h) Citizen Participation Plan which states, “The citizen participation plan shall describe the State’s appropriate and practicable procedures to handle complaints from citizens related to the consolidated plan, amendments and performance report. At a minimum, the citizen participation plan shall require that the State must provide a timely, substantive written response to every written citizen complaint, within an established period of time (within 15 working days, where practicable, if the State is a CDBG recipient).”
- 24 CFR 570.486(a)(7) Local Government Requirements, which states, “Provide citizens the address, phone number, and times for submitting complaints and grievances, and provide timely written answers to written complaints and grievances, within 15 working days, where practicable.”

Resolution of complaints

The goal of St. Johns County is to resolve complaints in a manner that is sensitive to the applicant’s concerns and achieves fair results. Regardless of the complaint, Program staff members will treat the issue with respect, respond to the applicant about the status of the complaint, and handle the issue quickly (within 15 working days, if feasible).

The applicant will have the opportunity to fill out a formal complaint form that is accessible on the disaster recovery website. The complaint form includes the applicant’s name, contact information and nature of the complaint being filed. Information on how to file a complaint will be available at the program offices and included on printed materials as well as be available on the disaster recovery

website.

Informal Complaints

Complaints that are brought forward in an informal manner—orally or revealed in the process of addressing another issue—will be addressed where possible regardless of the source of the complaint. Informal complaints or appeals can be made by applicants by phone at (904) 209.1280 or in person with a Case Manager at the Restore St. Johns office located at:

*Health and Human Services Building
200 San Sebastian View
Room 2206 (Egret Conference Room)
St. Augustine, FL 32084*

1. When responding to an informal complaint, the county or Restore St. Johns staff will obtain all pertinent information from the individual, including:
 - a. The issue raised.
 - b. The name of the individual reporting the complaint (if possible) and associated contact information; if no name or contact number is provided, then that will be noted and placed in an informal complaint file—either electronic or hard copy.
 - c. Any other information regarding the complaint.
2. The Case Worker will determine whether the issue can be addressed through verbal discussion without necessitating a formal complaint process. The Case Worker will also inform the Applicant of formal complaint process and indicate in the file that the Applicant was informed of how to file a formal complaint.
3. If a resolution cannot be met through the informal process and an applicant believes that the Program's determination of their funding award calculation, eligibility status, or construction workmanship is incorrect/does not meet standards, they can request a Formal Appeal Form from their Case Worker.

Formal Complaints

Formal complaints must be submitted utilizing the Formal Complaint Form (Exhibit One) available through the Restore St. Johns Office. The applicant will be informed of the complaint process and the availability of the Formal Complaint Form.

Formal Complaints require the name and contact information of the individual submitting the complaint. All complaints must originate from the individual seeking assistance from the program as a registrant, applicant, contractor, or other direct party. Any complaint forwarded to St. Johns County from the U.S. Department of Housing and Urban Development (HUD) and or Department of Economic Opportunity (DEO) will also be considered a formal complaint and processed in accordance with this policy.

Complaints may be submitted in the following ways:

Mail: St. Johns County
Restore St. Johns, Room 2206
200 San Sebastian View
St. Augustine, FL 32084

Email: cdbgdr@sjcfl.us

Hand Deliver: St. Johns County
Restore St. Johns, Room 2206
200 San Sebastian View
St. Augustine, FL 32084

1. Every formal complaint will be entered into the project tracking system and maintained as either an electronic or hard copy file. The project tracking system will note any complaints and their potential resolution.
2. Once the complaint is entered in the tracking system, the Program Manager or their designee will determine if the complaint has standing by determining the following:
 - a) The individual filing the complaint is a registrant or applicant, contractor, or direct party.
 - b) Associated contact information has been provided.
 - c) The complaint is relevant.
3. If the complaint is valid, the Program Manager or a designee will perform the following steps:
 - a) Review and/or investigate the complaint.
 - b) Once the complaint has been resolved, or if it needs more work than can be done at the local program level, refer the complaint to the Review Committee to seek resolution.
 - c) Provide documentation regarding the final result and resolution to St. Johns County if applicable.
 - d) Provide a copy of this Policy relating to investigation and resolution to the complainant and to each person who is subject of the complaint.
 - e) Notify the complainant of the results, or if longer than 15 working days, provide a status of the review process.
 - f) Close the complaint.

DEO State Complaint Process

Citizen Complaints. The goal of the State DEO is to provide an opportunity to resolve complaints in a timely manner, usually within fifteen (15) business days as expected by HUD, if practicable, and to provide the right to participate in the process and appeal a decision when there is reason for an applicant to believe its application was not handled according to program policies. All applications, guidelines, and websites will include details on the right to file a complaint or appeal and the process for filing a complaint or beginning an appeal.

Citizens may file a written complaint or appeal through the Disaster Recovery email at CDBGDR@deo.myflorida.com or submit by postal mail to the following address:

Attention: Chief, Community Disaster Recovery Florida Department of Economic Opportunity
107 East Madison Street

The Caldwell Building, MSC 160
Tallahassee, Florida 32399

DEO will handle citizen complaints by conducting:

- Investigations as necessary;
- Resolution; or
- Follow-up actions.

If the complainant is not satisfied by the SJC CDBG-DR Program determination or DEO's response, then the complainant may file a written appeal by following the instructions issued in the letter of response. If at the conclusion of the appeals process the complainant has not been satisfied with the response, a formal complaint may then be addressed directly to the regional Department of Housing and Urban Development (HUD) at:

Department of Housing & Urban Development
Charles E. Bennett Federal Building
400 West Bay Street, Suite 1015
Jacksonville, FL 32202

The Florida Disaster Recovery Program operates in Accordance with the Federal Fair Housing Law (The Fair Housing Amendments Act of 1988). Anyone who feels he or she has been discriminated against may file a complaint of housing discrimination:

1-800-669-9777 (Toll Free), 1-800-927-9275 (ITY) or
www.hud.gov/fairhousing.

Corrective action will be implemented where warranted.

PII PROCESS

It is the policy of the CDBG-DR Program to protect personally identifiable information (PII) of employees, contractors, vendors and clients. The electronic restrictions and safeguards outlined in this policy provide guidance for employees, service members, contractors, vendors and clients that have access to PII retained by the CDBG-DR Program to ensure compliance with state and federal regulations.

Definitions

1. Personally Identifiable Information (PII) is any information pertaining to an individual that can be used to distinguish or trace a person's identity. Some information that is considered PII is available in public sources such as telephone books, public websites, etc. This type of information is considered to be Public PII and includes:
2. First and Last name
3. Address
4. Work telephone number
5. Work e-mail address
6. Home telephone number
7. General educational credentials
8. Photos and video

In contrast, Protected PII is defined as any one or more of types of information including, but not limited to:

1. Social security number
2. Username and password
3. Passport number
4. Credit card number
5. Clearances
6. Banking information
7. Biometrics
8. Data and place of birth
9. Mother's maiden name
10. Criminal, medical and financial records
11. Educational transcripts
12. Photos and video including any of the above

Procedures

This section provides guidelines on how to maintain and discard PII. All electronic files that contain Protected PII will reside within a protected information system location. All physical files that contain Protected PII will reside within a locked file cabinet or room when not being actively viewed or modified. Protected PII is not to be downloaded to personal or organization owned employee, service member, volunteer, or contractor workstations or mobile devices (such as laptops, personal digital assistants, mobile phones, tablets or removable media). PII will also not be sent through any form of insecure electronic communication (e.g. Online Form, E-mail or instant messaging systems). Significant security risks emerge when PII is transferred from a secure location to a less secure location or is disposed of improperly. When disposing of PII the physical or electronic file should be shredded or securely deleted.

Incident Reporting

The Grant Administrator must be informed of a real or suspected disclosure of Protected PII data within 24 hours after discovery (e.g. Misplacing a paper report, loss of a laptop, mobile device, or removable media containing PII, accidental email of PII, possible virus, or malware infection or a computer containing PII).

Training

The Grant Administrator will conduct PII Training for all Grant staff annually during April of each year. The Grant Administrator will maintain a signed PII Acknowledge Form from each of the Grant staff members.